

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

STATE OF RHODE ISLAND,
Plaintiff

v.

C.A. No. 06-40T

DAVID BRYANT WICKS,
Defendant

ORDER TO SHOW CAUSE

Defendant David Bryant Wicks is hereby ordered to show cause, within thirty days, why his Notice of Removal should not be stricken and this matter should not be dismissed on the following grounds:

(1) Wicks claims to have been employed as a United States Merchant Seaman at the time he committed the alleged offense, but has provided no documentation corroborating that assertion and has, thus, failed to establish that he qualifies as a federal officer who is entitled to invoke the removal provisions of 28 U.S.C. §1442(a)(1);

(2) Wicks, while making reference to state criminal charges against him for counterfeiting and forgery of a travelers check, has failed to articulate a colorable defense arising

out of his duty to enforce federal law as a purported United States Merchant Seaman; and

(3) Wicks has not alleged performance of any acts under color of federal office, and has, therefore, failed to demonstrate a causal nexus between the criminal charges preferred against him and any such acts.

By Order,


Deputy Clerk

ENTER:


Ernest C. Torres, Chief Judge

Date: May 17, 2006